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In re Application of	:	OFFICE OF PETITIONS
Ichikawa, et al.	:	
Application No. 10/739,149	:	ON PETITION
Filed: December 19, 2003	:	
Attorney Docket No. 2830-0147P	:	

This is a decision on the papers styled, "Petition To Accept Earlier Filing Date," filed June 24, 2004, which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of December 19, 2003, including twenty-one (21) pages of specification and ten (10) sheets of drawings.

The application was submitted on December 19, 2003. However, on April 28, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Incomplete Nonprovisional Application" that stated the application had not been accorded a filing date, and that the specification is missing and the application was deposited without drawings.

In response, on June 24, 2004, the present petition was filed wherein petitioner argues that twenty-one (21) pages of specification and ten (10) sheets of drawings were filed on December 19, 2003. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of twenty-one (21) pages of specification and ten (10) sheets of drawings on December 19, 2003. A review of the application file indicates the presence of zero (0) pages of specification and zero (0) sheets of drawings. It is assumed that missing pages of specification and sheets of drawings were misplaced by the Office.

In view of the above, the petition is granted.

The \$130.00 petition fee will be refunded to deposit account no. 02-2448.

This application will be returned to OIPE for further processing with a filing date of December 19, 2003, using the twenty-one (21) pages of specification (and the English translation submitted of the same) and ten (10) sheets of drawings, supplied on June 24, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.



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